

BOARD OF COUNTY COMMISSIONERS
Agenda Item Summary

Meeting Date November 17, 2004 **Division** **County Attorney**

AGENDA ITEM WORDING

Presentation of Defendant's Molasses Reef Marina Corp.'s settlement offer in Code Enforcement Case U9-02-649.

ITEM BACKGROUND

Molasses Reef Marina Corp:

On 4/23/04, the Code Enforcement Special Master imposed a daily fine of \$250.00 against Molasses Reef Marina Corp. property on Key Largo for converting a houseboat into an office with bathroom without planning department approval or a permit. The property was brought into compliance on 7/26/04. On 9/26/04, the Special Master authorized the initiation of collection proceedings for the outstanding fines and costs which total \$29,350. Molasses Reef Marina Corp. has offered to settle this case for \$100.00. Molasses Reef's position is summarized in the attached letter.

PREVIOUS RELEVANT BOCC ACTION.

BOCC authorized collection proceedings on June 18, 2003.

CONTRACT/AGREEMENT CHANGES n/a

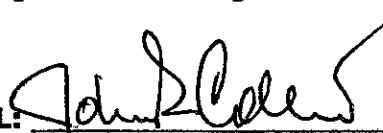
STAFF RECOMMENDATIONS -- Accept settlement offer.

| | | | |
|------------|----------|-----|----|
| TOTAL COST | BUDGETED | Yes | No |
|------------|----------|-----|----|

| | |
|----------------|-----------------|
| COST TO COUNTY | SOURCE OF FUNDS |
|----------------|-----------------|

APPROVED BY: County Attorney ■ OMB/Purchasing Risk Management

DIVISION DIRECTOR APPROVAL:

 11/03/04
JOHN R. COLLINS

DOCUMENTATION: Included xx To Follow Not Required !

AGENDA ITEM #

R-5

MOLASSES REEF MARINA CORP.

1550 Ocean Bay Drive
Key Largo, Fl. 33037
(305) 469-3660

RECEIVED

OCT 15 2004

MONROE COUNTY ATTORNEY

10-1-04

Robert Shillinger, Jr.
Assistant County Attorney
Monroe County Attorney's Office
P.O. Box 1026
Key West, Fl. 33041-1026

Dear Mr. Shillinger:

As per CASE # CE03040218, we are requesting that you present our settlement offer to the County Commission, at the meeting currently scheduled for Wednesday, November 17th, 2004 in Key Largo. Without admitting guilt, we are willing to pay the County's administrative costs in this case if the County Commission agrees to drop the case, related fines and penalties.

- In January 2004, we agreed to apply for the permits necessary move the marina office / bathroom trailer from the site that County officials considered an inappropriate location to a location that both sides agreed was appropriate. The removal of said structure from said site would resolve the code enforcement case.
- We worked with County Building officials over the next few months to complete the application (we re-submitted the application several times with modifications and the additional information that was requested by County Building officials).
- In April 2004, the County issued a permit for the marina to rebuild it's electrical system. This permit was requested AFTER the trailer movement permit was requested, but issued BEFORE the trailer movement permit was issued.
- The electrical contractor delivered the parts and supply trailer to the marina in early May 2004 (to the same location, the only location, agreed by the County where the existing marina office / bathroom trailer could be placed).
- In May 2004, a few days after the electrical trailer was delivered, the County issued the permit to move (remove) the marina office / bathroom trailer.
- At the end of May 2004, the marina sent it's dockmaster to the code enforcement hearing to explain the situation. When our case was called, he tried to speak on our behalf. However, he was refused permission to speak without a letter of authorization (we did not know he would need a letter of authorization). The Special Master decided to impose fines.
- When the electrical work was completed in June 2004, and the electrical trailer was removed, we moved the marina office / bathroom trailer from the site cited by code enforcement.
- Code enforcement was contacted and they verified that the marina was in compliance.

Respectfully,


Norman R. Wartman

For Molasses Reef Marina Corp.